IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4078 of 2007()

CR. NO.18 OF 2007 OF EXCISE RANGE, AGALI

: PETITIONER/IST ACCUSED

ROHINI, W/O.NARAYANAN, PUTHENVEEDU,
KUKKUMPALAYAM DESOM, THAVALAM, AGALI VILLAGE,
MANNARKKAD.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: COMPLAINANT

STATE, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE EXCISE INSPECTOR,
AGALI RANGE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4078 of 2007

Dated this the 6th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner, a woman, is the 1st accused. She along with the 2nd accused was allegedly found to keep in their possession and transporting 180 X 150 ml of arrack in packets. They were intercepted and apprehended. Arrest of the 1st accused/petitioner could not be effected as the excise party had no lady official in it. The 2nd accused was arrested. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. Her arrest and detention afresh is not necessary now. Anticipatory bail may be granted to her, it is prayed.

3. The learned Public Prosecutor opposes the application. There are no circumstances justifying the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C, submits the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor. This is a fit case where the petitioner must resort to the ordinary and normal procedure of appearing before the Investigating Officer or the learned Magistrate having jurisdiction. She must then seek regular bail.

5. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-